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SUBJECT: CONTACT GROUP FOR PIRACY OFF THE COAST OF

SOMALIA: MOVING BEYOND MEMBERSHIP

¶1. This is an action request. See paragraph 7.

OBJECTIVE

¶2. Post's objective is to gain agreement by current CGPCS participants on the participation of aspirant countries Canada, Cyprus, Liberia, Malaysia, Panama, and Singapore, and potentially other important shipping states and/or counter-piracy force contributors.

REPORTING

¶3. Posts are requested to report reactions by July 15. Department points of contact are PM/PPA Donna Hopkins (hopkinsdl@state.sgov.gov or David Foran (forandm@state.sgov.gov).

BACKGROUND

¶4. In New York City on January 14, 2009, representatives of 28 countries and six international organizations agreed to form the Contact Group for Piracy off the Coast of Somalia (CGPCS). The inaugural communiqu stated that "The CGPCS

offers participation to any nation or international organization making a tangible contribution to the counter-piracy effort, or any country significantly affected by piracy off the coast of Somalia." No process or mechanism was agreed upon by which aspirants might seek to participate in CGPCS plenary and working group meetings.

¶15. The lack of such a process has forestalled the positive and productive inclusion of several countries that clearly meet the criteria for participation. In addition, developments subsequent to the January 14 plenary have clearly shown that tangible contributions are not limited to the provision of military forces to the counter-piracy effort. Specifically, three areas in addition to military counter-piracy patrols require the individual and collective efforts of all countries involved in combating piracy: the vigorous promotion of self-protection measures by commercial shipping; the development of compatible legal frameworks and the political will to facilitate prosecution in their domestic courts by affected states; and the development of regional capability and capacity to interdict, prosecute, and imprison the pirates that currently operate with relative impunity off the Horn of Africa.

¶16. The United States believes that participation by any country or international organization that wishes to participate and is able to contribute in any tangible way to the international effort to combat piracy is a net gain for our collective efforts, and that the CGPCS deliberations should not be impeded by unrelated political issues. Unfortunately, Turkey objects to the Republic of Cyprus, participation, and Greece objects to the admission of any new participant unless Cyprus is also allowed to participate. We must reach a resolution to this impasse in order to offer participation to the six aspirant countries mentioned in paragraph 2.

¶17. Department requests that posts in CGPCS countries deliver the following points at the highest appropriate level to explain the U.S. position on expanding participation in the Contact Group for Piracy off the Coast of Somalia (CGPCS).

--The United States believes that participation in CGPCS proceedings should be open to any country or international organization meeting the objective criteria for participation as outlined in the January 14 communique.

--As an informal information-sharing and voluntary coordinating body, the CGPCS does not have the authority to direct operations or take decisions with regard to national policies, programs, or force employment.

--Participants should be free to contribute as they see fit to CGPCS efforts, and to abstain from those in which they have no interest or to which they might object.

-- We believe that tangible contributions to counter-piracy include, among other things, the provision of military forces to operations off the Horn of Africa; the active promotion of commercial shipping self-protection; the political or financial facilitation of prosecution by states affected by piracy; financial support to regional counter-piracy and maritime security capacity building programs; and contributions to the International Trust Fund established by the CGPCS to support piracy prosecution and counter-piracy capacity building.

--Notification of and invitation to CGPCS events will be made by the respective Chairs of plenary and working group meetings. The freedom of Chairs to issue invitations preserves the option of governments not to invite participants, should particular circumstances require such exclusion. (Comment: This caveat would preserve the ability of a Chair, for instance, to exclude Iran, to whose presence France objects because of Iran's violation of UN sanctions, from CGPCS meetings. End comment.)

18. Department does not recommend approaching aspirant countries at this point. If asked, however, posts may use these points:

--We support the expansion of the CGPCS to include countries making tangible contributions to counter-piracy that include, among other things, military forces operating off the Horn of Africa; the active promotion of commercial shipping self-protection; the political or financial facilitation of prosecution by states affected by piracy; financial support to regional counter-piracy and maritime security capacity building programs; and contributions to the International Trust Fund established by the CGPCS to support piracy prosecution and counter-piracy capacity building. This includes your candidacy.

--However, as the CGPCS is a consensus organization, and some participants have raised concerns about this approach, we are not discussing further expansion until their concerns can be resolved.

19. Should CGPCS countries be amenable to our proposal for expanding participation, PM will prepare diplomatic notes for delivery by posts informing participants of the new criteria for participation and extending invitations to aspirant countries to participate in CGPCS meetings.

CLINTON